

SCORING CRITERIA - STORMWATER

These are the definitions for each of the five point levels used in the scoring of TSEP applications on statutory priority #1 (Projects that solve urgent and serious public health or safety problems, or that enable local governments to meet state or federal health or safety standards), and CDBG applications on priority #2 (Need for project). The definitions and associated examples are subject to modification during the scoring process. In addition, there are numerous variables involved in scoring projects; as a result, the point level assigned may be higher or lower in order to take into account these variables.

General Scoring Notes

The score level may be adjusted downward commensurate with the scoring level definitions, depending upon the degree to which:

1. the deficiency is existing, long-term or continual;
2. the problems related to the deficiency affect the entire or substantial portion of the community, or have a high potential to affect the entire or substantial portion of the community;
3. there are reasonable, cost-effective, reliable and long-term management practices that would reduce the health and safety risks and no other reasonable alternatives, temporary or otherwise are available; and
4. the deficiencies and the impact on the public's health and safety has been documented.

A court order (or other directive) does not guarantee a particular score. The seriousness of the deficiencies and their impact on the public's health and safety will determine the score awarded.

If there are serious concerns whether the proposed project would solve the public health or safety problems, a level "2" score may be awarded, since the deficiencies identified may not be adequately resolved or other serious problems may potentially be created.

If the most serious deficiencies represent only a small component of the overall project, the project as a whole may be scored lower than what would normally be indicated for the more serious deficiencies. At the Department's discretion, multiple deficiencies may be weighted, based on cost, to determine the scoring level. For instance, if a very small percentage of the project cost goes toward solving a level 5 deficiency and a significantly larger percentage of the project cost is for solving a level 3 deficiency, then the project would probably be scored at a level 3 or 4.

LEVEL 5 (Serious consequences have occurred or are imminent)

Definition - Serious consequences (such as illness, disease or injury) clearly attributable to the deficiency in the stormwater facilities described in the application have occurred or are imminent. The applicant has clearly documented the deficiency and impact on the public's health and safety.

Explanation - Level 5 scores would only be given if the applicant has clearly documented that an illness, disease or injury has occurred, or is imminent, as a result of the deficiency in the stormwater facilities. To be rated a "5" the situation must be of an immediate nature.

Examples:

- ❑ A community that has a combined sewer system resulting in Level 5 impacts defined under the wastewater levels.
- ❑ A community who experiences significant regular flooding during a common (such as a 2-year, 1-hour) storm event. The flooding must have a high potential to result in a significant threat to the health and safety of the public.
- ❑ Complete failure of a stormwater system (such as a breach of a detention basin) that exposes the public to significant flooding. The flooding must have a high potential to result in a significant threat to the health and safety of the public.

LEVEL 4 (Serious consequences are likely to occur in near term)

Definition - Serious consequences (such as illness, disease or injury) clearly attributable to the deficiency in the stormwater facilities described in the application are likely to occur in the near term. The applicant has adequately documented the deficiency and potential impact on the public's health and safety.

Explanation - Level 4 scores would be given for serious deficiencies where illness, disease or injury has a high probability of occurrence in the near term, but has not been documented to have occurred yet. Level 4 scores would also be reserved for serious stormwater deficiencies when there is a high probability of significantly serious consequences after chronic exposure (exposure over many years).

Examples:

- ❑ A community that has a combined sewer system resulting in Level 4 impacts defined under the wastewater levels.
- ❑ A community who experiences failures of on-site wastewater treatment and disposal systems and failures of water supply wells due to surface water flooding or rising groundwater as a result of a storm event and the failures are on-going and are likely to occur again.
- ❑ A community where stormwater runoff creates significant safety hazards (such as drowning) community wide, or in areas of high density residential, schools, daycare facilities or other areas where ponding water could be considered an attractive nuisance.
- ❑ A community that is separated by physical barriers, such as a river or railroad tracks, with limited crossings that are prone to severe flooding, resulting in a significant delays for emergency vehicles.

LEVEL 3 (Serious consequences are likely to occur in long term)

Definition - Serious consequences (such as illness, disease or injury) attributable to the deficiency in the stormwater facilities described in the application are likely to occur in the long-term if the deficiency is not corrected. The applicant has adequately documented the deficiency and potential impact on the public's health and safety.

Explanation - Level 3 scores would be given for serious stormwater deficiencies where illness, disease or injury has a high probability of occurrence after chronic exposure, but where the consequences are not as serious as those associated with a Level 4. Level 3 scores would also be reserved for deficiencies where illness, disease or injury has some reasonable probability of occurrence in the near term as a result of incidental, short-term or casual contact, but has not been documented to have occurred yet. Communities attempting to proactively comply with laws and regulations dealing with health and safety may also be scored Level 3, or higher.

Examples:

- ❑ A community that has a combined sewer system resulting in Level 3 impacts defined under the wastewater levels.
- ❑ A community with poor drainage facilities resulting in potential community wide safety hazards due to continuous ponding of water (such as nuisance ponding, mosquitoes, or delay of emergency vehicles).
- ❑ A community that is making proactive improvements to the infrastructure of a public stormwater system that helps it remain in compliance with current regulatory requirements, ensures compliance with future requirements, or prevents future violations of any applicable state or federal law or regulation. A higher score for proactive improvements could be realized if the improvements address imminent or near term health and safety issues.

LEVEL 2 (Serious consequences may occur at some point in the future)

Definition - The deficiency described in the application could potentially affect the public's health and safety and circumstances clearly attributable to the deficiency may occur at some point in the future but have not been documented to have occurred yet.

Explanation - Level 2 scores would be given for those applications that have a deficiency, perhaps in meeting current design standards, but are unable to show that a serious threat to public health and safety is likely to occur.

Example:

- ❑ A community that has a combined sewer system resulting in Level 2 impacts defined under the wastewater levels.
- ❑ A community with poor drainage facilities resulting in potential localized safety hazards due to continuous ponding of water (such as nuisance ponding, mosquitoes, or delay of emergency vehicles).

- ❑ A community whose storm drain system does not meet design standards.

LEVEL 1

Definition - A deficiency in a basic stormwater facility or community service that could affect the public's health and safety was not demonstrated or was inadequately documented.

Explanation - Level 1 scores would be given for those applications that may claim a deficiency, but in the opinion of the MDOC review team are unable to document a serious or credible threat to public health and safety. The claimed deficiency may be related to routine operations and maintenance issues. Level 1 scores are rare; nearly all projects should be able to achieve a level 2 score.

Examples:

- ❑ When flooding represents only an occasional nuisance to the community (such as periodic ponding of water due to storm events that impedes traffic).
- ❑ Flooding is isolated to a parking lot where alternate sites can be temporarily employed.